

PROGRAM INTEGRITY REQUEST FOR REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 -10 of the form. Use a separate form for each policy interpretation request. Retain a copy of the Word Document for your records, and submit via email to: PIBPolicy@dss.ca.gov.

1. REQUESTOR NAME: Jakki Cuffe	5. COUNTY: Placer
2. PHONE NO: (916) 784-6109 EMAIL: jcuffe@placer.ca.gov	6. SUBJECT: Statute of Limitations
3. REGULATION CITE(S): MPP § 63-801-31	7. REFERENCES: (ACLs/ACINs, COURT CASES Etc.) ACL 12-25
4. DATE OF REQUEST: 06/15/2017	8. DATE RESPONSE NEEDED: 07/31/2017

9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):

Would all reasonably anticipated income for a household be determined in an overissuance (OI) calculation even if the income source was not continued through the entire OI period?

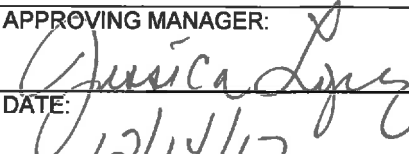
Income put client over Income Reporting Threshold (IRT). Income over IRT continued for 3 months.

10. REQUESTOR'S PROPOSED ANSWER:

In the 4th quarter of 2013 client held Job1, and Job2. 2nd quarter of 2016 client held Job1. Combination of job 1 and 2 in 2013 caused client to go over IRT. I am unsure if we can go back to the 4th/2013 quarter to determine an over-issuance, since the income for some of the OI did not continue forward. If we are able to go back, would we only be able to use the Job 1 income in the determination of the OI? I can't find anything that says "employer". Regulations say "income" which I believe would mean ALL the income combined for each month would be used to determine an over-issuance.

11. CDSS RESPONSE:

(See Attached)

PROGRAM INTEGRITY ANALYST: Chris Daniels	APPROVING MANAGER: 
DATE: 06/24/2017	DATE: 12/14/17

DATE RESPONSE RECEIVED/LOG # (CDSS Use Only):

6/22/17 - PI 17-35

Please note: The policies expressed in this response are based on the unique set of facts presented and should not be presumed to apply in other situations.

Yes, Per ACL 12-25, failure to report when income exceeds IRT can result in an OI to the household, fraud prosecution, and fraud penalties. Per MPP § 63-801-31, the CWD shall calculate the amount of the OI which occurred during the six years preceding the date the OI was discovered for inadvertent household and administrative errors. If the OI was caused by the client and it was not by Inadvertent Household Errors (IHE), the county must go back to the fourth quarter of 2013 to establish the OI and use all income that was over IRT.

Per MPP § 63-801.112, if the OI was caused by IHE, the county must find one month of OI within a three-year period of the date the county determined there is an OI to calculate the OI which occurred during the six-year period. If the OI was caused by IHE the county must find one month of OI that occurred within a three-year period in order to establish an OI that occurred during the fourth quarter of 2013.